

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### **A. Status of the Claims and Explanation of Amendments**

Claims 1-10 and 12-14 are pending.

By this paper, claims 1, 9, 10, 12, 13 and 14 are amended.

Claim 1 is amended to recite, *inter alia*, “[a]n image sensing apparatus comprising: . . . converting means for converting time information of the image sensed at said sense means into text data for specifying the sensing condition of the image sensed by said sense means; and . . . wherein said converting means edits the image sensed by said sense means and the text data converted by said converting means into the electronic mail, and inserts the text data into the subject of the electronic mail.” Similar amendments are made to claims 9, 10, 12, 13 and 14. Support for these amendments are found throughout the application as originally filed, including, for example, on page 41.

No new matter is introduced by entry of these amendments, and entry is respectfully requested.

#### **B. Rejection under 35 U.S.C. § 102(e)**

Claims 1-10 and 12-14 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,583,813 to Enright et al., (“Enright”). Applicant asserts that the requirements for such rejection are not met because Enright does not teach, disclose or suggest wherein the converting means edits the image sensed by said sense means and the text data

converted by said converting means into the electronic mail, and inserts the text data into the subject of the electronic mail, as recited in Applicant's amended claim 1.

Specifically, Applicant's amended claim 1 recites:

"1. An image sensing apparatus comprising:

setting means for setting a sensing condition for image sensing;

sense means for sensing an image in accordance with the sensing condition set by said setting means;

converting means for converting time information of the image sensed at said sense means into text data for specifying the sensing condition of the image sensed by said sense means; and

transmitting means for transmitting, by electronic mail, the sensing condition and the text data converted at said converting means as a part of electronic mail text message when the image was sensed by said sense means,

wherein the converted text data is separated from the image, and

wherein said converting means edits the image sensed by said sense means and the text data converted by said converting means into the electronic mail, and inserts the text data into the subject of the electronic mail."

Enright is directed to a system for capturing image data associated with transactions. It discloses that a system (328), such as an automated banking machine, is equipped with data capture devices, which capture data in response to a triggering event. (Enright, Col. 39, Lines 16-44). The system then transmits an email containing captured data to a previously-designated address. (Enright, Col. 36, Lines 17-65). Enright teaches that "[s]uch emails may also include information about the nature of the triggering event." (Col. 36, Lines 45-46). However, Enright does not teach that text-data describing the nature of the triggering event is additionally inserted into the subject of the email. Accordingly, Enright fails to disclose,

teach or suggest “converting means [that] . . . inserts the text data into the subject of the electronic mail,” as recited by Applicant’s amended claim 1.

For at least similar reasons, amended claims 9, 10, 12-14 are believed neither anticipated by nor rendered obvious in view of the cited reference, and accordingly, claims 9, 10, 12-14 are believed to be in condition for allowance. Furthermore, for at least similar reasons, dependent claims 2-8 are also believed to be in condition for allowance.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind the cited references or to otherwise submit evidence to traverse the rejection at this time. Applicant, however, reserves the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

**AUTHORIZATION**

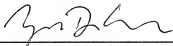
This application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. , ORDER NO. 1232-5116.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: April 28, 2008

By: \_\_\_\_\_

  
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